

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DAVE CARLTON, *et al.*,

Plaintiffs,

v.

FRED CANNON, *et al.*,

Defendants.

No.: 4:15-cv-00012  
CLASS ACTION

District Judge Lee H. Rosenthal

**DECLARATION OF PHILLIP KIM IN FURTHER SUPPORT OF LEAD PLAINTIFFS’  
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND PLAN OF  
ALLOCATION, AND LEAD PLAINTIFFS’ MOTION FOR AWARD OF ATTORNEYS’  
FEES AND REIMBURSEMENT OF EXPENSES AND AWARD TO LEAD PLAINTIFFS**

I, Phillip Kim, declare and state, under penalty of perjury, that the following is true and correct to the best of my knowledge, information and belief:

1. I am partner at The Rosen Law Firm, P.A., Lead Counsel with Levi & Korsinsky, LLP for Lead Plaintiffs Dave Carlton and Sharon Kegerreis (“Lead Plaintiffs”) in the above-referenced action. I have personal knowledge of the matters set forth herein and, if called upon, I could and would completely testify thereto.

2. I submit this Declaration in further support of Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement, Plan of Allocation, and to Certify a Class For Settlement Purposes and Lead Plaintiffs’ Motion for Attorneys’ Fee and Reimbursement of Expenses and Compensatory Award to Lead Plaintiffs filed on April 26, 2017. (Dkt. Nos. 149, 151).

3. Attached hereto as Exhibit 1 is a true and correct copy of the Supplemental Declaration of Josephine Bravata Concerning the Mailing and Notice and Claim Form, Requests for Exclusions and Objections dated May 22, 2017.

4. Attached hereto as Exhibit 2 is a true and correct copy of the revised [Proposed] Order and Final Judgment reflecting those who requested exclusion from the Settlement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed, this 23rd day of May, 2017.

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

/s/ Phillip Kim  
Phillip Kim

**CERTIFICATE OF SERVICE**

I hereby certify that on this on the 23rd day of May, 2017, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Phillip Kim